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REMARKS/ARGUMENTS

Upon entry of this Amendment, claims 31-33-45 and 47-49 will be pending. Claim 31 has been amended to reflect several of the features of claim 46. Accordingly, no new matter has been introduced.

The specification was objected to under 37 CFR 1.821 through 1.825 because Figure 1 does not reference a sequence listing. The Applicants submit that the above amendments fully address this objection, and respectfully request its withdrawal.

Claim 45 was objected to under 37 CFR 1.75. The Applicants submit that the above amendments place this claim in full compliance with the regulations.

Claim 31 stands rejected under 35 USC §101 as being directed towards non-statutory subject matter. The Applicants submit that the above amendments fully address this rejection. Specifically, the claim recites a pharmaceutical composition, which is recognized as patentable subject matter. Accordingly, the Applicants request reconsideration and withdrawal of this rejection.

Claims 31-49 stand rejected under 35 USC 112, first paragraph, for containing subject matter that is not sufficiently described in the written description in the specification. Applicants traverse this rejection for at least the following reasons.

The Examiner contends that "the specification fails to teach how to distinguish LMF from Zn- α_2 -glycoprotein."¹ The specification as filed, illustrates the isolation and purification of a lipid mobilizing factor from murine Adenocarcinoma MAC16, as well as that lipid mobilizing factor isolated from cachectic patients. Accordingly, the claims are fully enabled, and withdrawal of this rejection is respectfully requested.

Claims 32, 33, and 35 stand rejected under 35 USC §112, second paragraph for being indefinite. Applicants traverse this rejection for at least the following reasons.

The Examiner contends that the term "substantially" in claims 32, 33, and 35, and the term "homology" render these claims indefinite because "one of ordinary skill in the art would not be reasonably apprised of the scope of the invention."² In contrast, it is submitted that the use of the terms as recited in the pending claims provides the skilled artisan with a sufficient understanding of the scope of the claims. Specifically, the term "homology" is a

¹ Paper No. 13, page 4.

² Paper No. 13, page 6.

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well known term in the biochemical arts, and the use of modifiers such as "substantially" has been held to not, by themselves, render a claim indefinite.³

In regard to claim 35, the Applicants submit that the above amendment to this claim places this claim in full compliance with §112.

Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

Claims 31-43 and 45 stand rejected under 35 USC §102(b) as being anticipated by Araki *et al.* (Proc. Natl. Acad. Sci. USA 1988 Feb; 85(3):679-83). Additionally, claims 31-43 and 45-47 stand rejected under 35 USC §102(b) as being anticipated by Ohkubo *et al.* (Prep. Biochem. 1988; 18(4):413-30).

The Applicants respectfully submit that the invention as presently claimed is novel over these references. Specifically, neither Araki or Ohkubo discuss a pharmaceutical composition, or a method of isolating the compound in accordance with the present invention, or a method of bringing about weight loss or a method of treating obesity in a mammal in accordance with the present invention. Accordingly, because not all of the claimed limitations are taught in the cited art, the Applicants request reconsideration and withdrawal of this rejection.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

³ *Energy Absorption Systems, Inc. v. Roadway Safety Services, Inc.*, 119 F.3d 16 (Fed. Cir. 1997)(Unpublished)

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Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

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